

FREDERICK COUNTY BOARD OF APPEALS
STAFF REPORT VIRTUAL MEETING ON JUNE 24, 2021 @ 7pm

Case Number: B-21-06, (B265104)

Applicant: Frederick, Seibert and Associates

Appeal: Requesting a variance of 19 feet from the 25-foot front building restriction line, in accordance with Section 1-19-3.220 Variances and Section 1-19-6.100 Design Requirements of the Frederick County Zoning Ordinance. If approved, the variance would create a 6' front building restriction line

Location: The property is known as 10306 Huron Ct., Ijamsville, MD 21754. Tax Map 69, Parcel 93, Tax ID #27511120, Planned Unit Development (PUD)

Planning Region: New Market

Zoning District: Planned Unit Development (PUD)

Comp. Plan Designation: Low Density Residential

Applicable Ordinances: Sec. 1-19-3.220 Variances
Sec. 1-19-6.100 Design Requirements

Background:

The Applicant's property is zoned Planned Unit Development (PUD) and is .283 acres in size. The required setbacks for this community are front, 25 ft., side 8 ft. and rear 25 ft.

Proposal:

Applicant is requesting a variance of 19 feet from the required 25-foot front building restriction line, in accordance with Section 1-19-3.220 Variances and Section 1-19-6.100 Design Requirements of the Frederick County Zoning Ordinance. If approved, this would create a 6' front building restriction line and allow for the construction of a single family dwelling unit and accessory carport structure. (Attachment 1)

General Criteria - Variance:

Under the provisions of Section 1-19-3.220(C) of the County Zoning Ordinance, the Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

- (A) The Board of Appeals may authorize a variance in height, lot area and yard regulations.

The Applicant states that he understands this requirement.

- (B) An application for a variance shall be filed with the Board of Appeals only after refusal of zoning approval or an adverse determination has been issued by the Zoning Administrator.

The Applicant states that he understands this requirement.

- (C) The Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

- (1) First, the Board of Appeals shall find that special conditions and circumstances exist which are unique to the land or structure involved and which are not applicable to other lands or structures in the same district.

The Applicant states that the proposed building pocket contains significant steep slopes that prevent the applicant from building an accessory structure within the allowed side yard. (See GIS Environmental Map)

- (2) Upon making this finding the Board of Appeals shall also find that the following criteria are met:

- (a) That the special conditions and circumstances do not result from the actions of the applicant; and

The Applicant states that this circumstance is not the result of any action taken by the Owner/Applicant.

- (b) The literal interpretation of the provisions of Chapter 1-19 of the Frederick County Code would result in unreasonable hardship and deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of Chapter 1-19 of the Frederick County Code; and

The Applicant states that steep slopes prevent the carport from being constructed along either of the side yards, as a 15 foot retaining wall would need to be constructed. The irregular shape lot was created in Plat Book 6, folio 14 on October 3, 1969. (See GIS Environmental Map)

- (c) That granting the variance will not confer on the applicant any special privilege that is denied by Chapter 1-19 of the Frederick County Code to other lands or structures in the same district; and

The Applicant states that the granting of this variance would not confer any special privilege, as numerous other lots in this subdivision have been granted the same variance due to topography and sensitive lands.

- (d) That the granting of the variance will be in harmony with the general purpose and intent of Chapter 1-19 of the Frederick County Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Applicant states that the variance will be in harmony with the neighbors and will not be detrimental to the public welfare.

- (D) In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with Chapter 1-19 of the Frederick County Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, is a violation of Chapter 1-19 of the Frederick County Code.

The Applicant states that he understands this requirement.

- (E) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of Chapter 1-19 of the Frederick County Code in the zone involved, or any use expressly or by implication prohibited by the terms of Chapter 1-19 of the Frederick County Code in said zone.

The Applicant states that he understands this requirement.

- (F) Under no circumstances shall the Board of Appeals grant a variance to a nonconforming structure for the portion of structure determined by the Zoning Administrator to be nonconforming.

The Applicant states that he understands this requirement.

- (G) A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

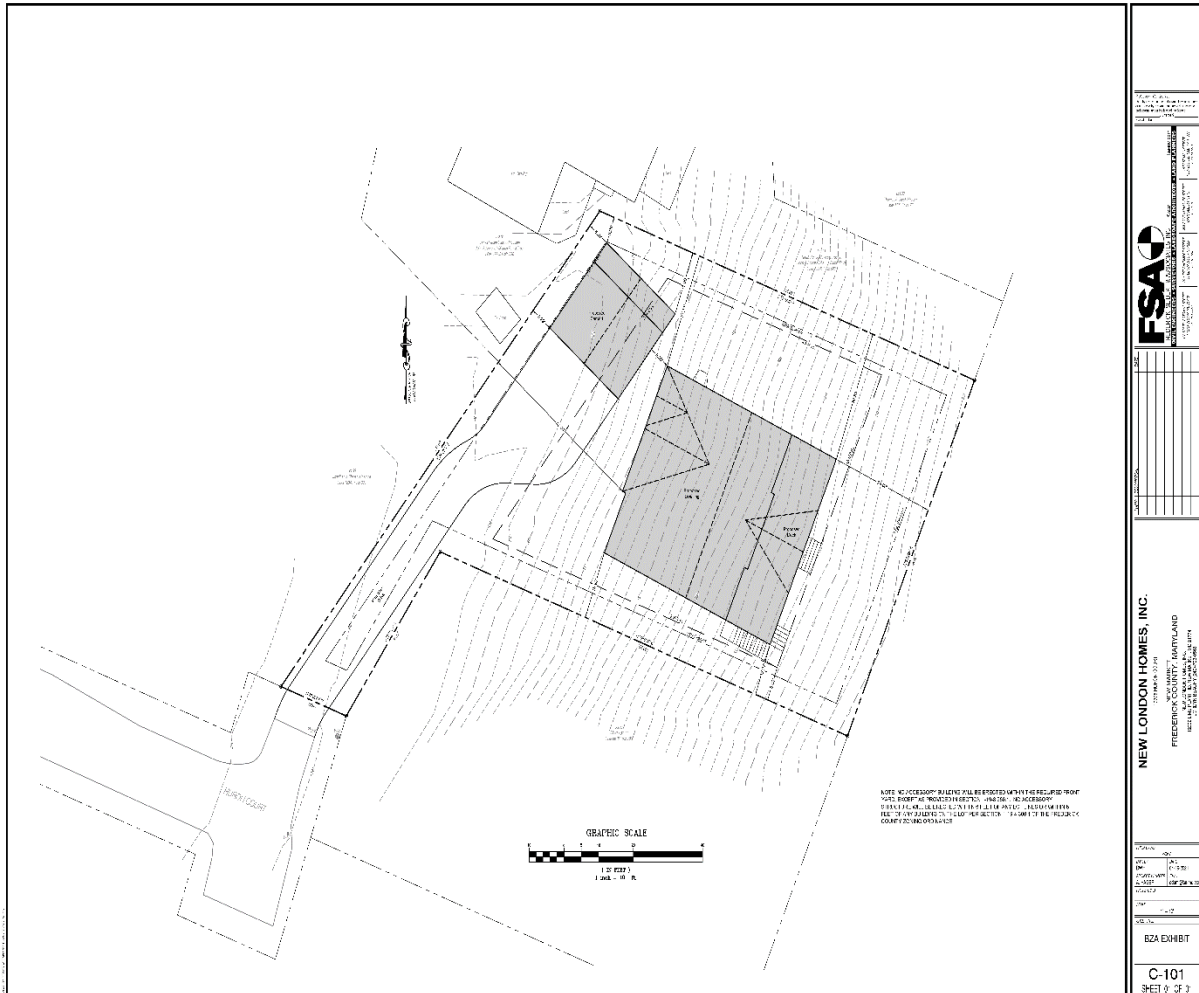
The Applicant states that he understands this requirement.

Actions Needed:

Staff requests that the Board review the general criteria for a variance under Section 1-19-3.220 Variances and Section 1-19-6.100 Design Requirements and render a decision on the Applicant's request for a 19 ft. variance from the 25 ft. required front building restriction line,

A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

Attachment 1



GIS Maps

